IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 12887 of 1995

Between:
Gajula Mallu, W/o Gajula Rajaiah,
R/o Jaina (V), Dharmapuri (M),
Adilabad District.

..... PETITIONER

AND

1 The District Collector
Adilabad District Adilabad.
2 The Revenue Divisional Officer
Mancherial, Adilabad District.
3 The Mandal Revenue Officer,
Mancherial, Adilabad District.
4 Ankam Kistaiah, S/o A. Pocham,
R/o Pedthanpally (V), Mancherial (M), Adilabad.
5 Ankam Lingaiah, S/o A. Pocham,
R/o Pedthanpally (V), Mancherial (M), Adilabad.
6 Ankam Mallesh S/o A. Pocham,
R/o Pedthanpally (V), Mancherial (M), Adilabad.
7 Ankam Lingamma, W/o A. Pocham,
R/o Pedthanpally (V), Mancherial (M), Adilabad.
(RR4 to 7 are impleaded as per court order dt:22.1.99 in
WPMP.No.40788/98)

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of a writ of Certiorari quashing the impugned order in proceedings No.A1./233/94, dt:11-8-94 (on the file of the 1st respondent herein) declaring the same as illegal, void and violative of the principles of natural justice.

Counsel for the Petitioner:MR.C.R.PRATAP REDDY

Counsel for the Respondent1 to 3: GP FOR REVENUE

Counsel for the Respondents 4 to 7: Mr. K.NARENDRA KUMAR.

The Court made the following :

ORDER:

Heard Sri C.R.Pratap Reddy, the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3.

The petitioner herein seeks to assail the impugned proceedings dated 11.08.1994 passed by the first respondent whereunder the mutation which was ordered in favour of the petitioner herein earlier by the Primary Authority was sought to be set aside and reversed.

The main ground urged on behalf of the petitioner apart from the other aspects on merits including title and patta is that before passing the impugned orders by the first respondent, no notice was given nor any opportunity was provided to the petitioner. Hence, the orders passed by the first respondent are sought to be cancelled.

In the counter affidavit filed by the respondents 1 to 3, which is sworn to by the District Collector himself on 13.11.2002, no reference nor any allegation is made in regard to the issuance of notice before the orders are passed. In view of the same, it has to be taken that the impugned orders are passed without giving any notice to the petitioner. It is now too late in the day to say that any such orders can be passed without hearing the parties, more so, when the substantive rights are affected.

Having regard to the same, it is felt desirable that the matter should be disposed of afresh after giving opportunity to both the sides.

The writ petition is, accordingly, allowed. The impugned order dated 11.08.1994 is set aside and the matter is remitted to the first respondent for fresh disposal after giving notice to all the sides.

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B. PRAKASH RAO, J

17th February 2005.
Chvn.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday, the Seventeenth day of February Two thousand and five.

ASSISTANT REGISTRAR.

// TRUE COPY//

SECTION OFFICER.

To

1 The District Collector,
Adilabad District, Adilabad.
2 The Revenue Divisional Officer,
Mancherial, Adilabad District.
3 The Mandal Revenue Officer,
Mancherial, Adilabad District.
4 Two C.Cs. to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).
5 Two C.D. copies.